

Application No. : 10/660,945
Filed : September 12, 2003

REMARKS

Claims 1 – 5, 14 – 17, 22, and 26 – 44 were pending in the application. By this paper, Applicant has amended Claims 1, 17, 26, 28, 31, 37, 38, 40 and 41, canceled Claim 22 without prejudice, and added new Claims 45-51. Accordingly, Claims 1 – 5, 14 – 17, and 26 – 51 are presented for examination herein.

Request for Continued Examination (RCE)

Applicant files herewith an RCE for continued prosecution of the present application.

Allowable Subject Matter

Per page 17, Par. 17 of the Supplemental Action, Claim 39 was objected to as being dependent upon a rejected base claim, but would otherwise be allowable if recast in independent form including the limitations of the base claim and any intervening Claims.

In response thereto, Applicant has herein added new independent Claims 46, 48 and 50, each which correspond to the subject matter of objected-to Claim 39. New Claims 47, 49 and 51 depend from Claims 46, 48 and 50, respectively, and correspond generally to the subject matter of existing Claim 40.

Accordingly, Applicant respectfully submits that new Claims 46-51 overcome the Examiner's objection, and are in condition for allowance.

Double Patenting Rejections

Claims 1-5 – Applicant respectfully requests that all double-patenting rejections be held in abeyance until the substantive examination of Claims 45-51 is conducted (and further Examination of Claims 1-5, discussed below), so that Applicant may at that time better assess the need or desirability for a terminal disclaimer.

§112 Rejections

Claims 17, 28 and 40 – The Examiner has rejected Claim 17 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner has asserted that there is insufficient antecedent basis for “the AV/C specification.”

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By this paper, Applicant has amended Claim 17 to recite the language “*revision 3.0 of the AV/C Digital Interface Command Set General Specification*.” Support for this amendment is replete throughout Applicant’s specification, and may be found specifically, for example, at page 3, par. [0007]. No new matter has been added.

5 Similar amendments and logic apply to Claims 28 and 40 as presented herein.

Applicant respectfully asserts that Claims 17, 28 and 40 are presently in compliance with the requirements of 35 U.S.C. §112, second paragraph, and overcome the Examiner’s rejections.

10 **Claim 22** – The Examiner has also rejected Claim 22 under 35 U.S.C. §112, second paragraph. By this paper, Applicant has canceled Claim 22 without prejudice, thereby rendering this rejection moot.

§102 Rejections

15 **Claim 1** – The Examiner has rejected Claim 1 under 35 U.S.C. §102(e) as being anticipated by Humpleman et al. (U.S. Patent No. 6,192,094; hereinafter, “Humpleman”). More specifically, the Examiner has asserted that Humpleman’s creating a set of buttons from retrieved GIF files may constitute Applicant’s compiling a plurality of containers from audio visual control descriptor data.

20 By this paper, Applicant has amended Claim 1 to include limitations relating to compiling a plurality of containers from audio visual control descriptor data, wherein at least a portion of the data is accessible via multiple memory addresses. Support for this amendment is replete throughout Applicant’s specification, and may be found specifically, for example, at page 9, par. [0028]. Hence, no new matter has been added.

25 Applicant respectfully asserts that Humpleman neither teaches nor suggests any portion of data that is accessible via multiple memory addresses, as Applicant has specifically claimed in Claim 1. As such, Claim 1 as amended distinguishes over the art of record, and is presently in condition for allowance.

Moreover, since Claims 2-5 and 14-16 each depend directly or indirectly on Claim 1, Applicant respectfully submits that they are therefore also in condition for allowance.

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Claim 26 – The Examiner has also rejected Claim 26 under 35 U.S.C. §102(e) as being anticipated by Humpleman. More specifically, the Examiner has asserted that Humpleman's creating a set of buttons from retrieved GIF files may constitute Applicant's compiling a plurality of containers from audio visual control descriptor data.

5 By this paper, Applicant has amended Claim 26 to include limitations relating to the recited plurality of containers containing media control descriptor data, wherein at least a portion of the media control descriptor data is adapted to be accessed when its parent is accessed. Support for this amendment is replete throughout Applicant's specification, and may be found specifically, for example, at page 9, par. [0028]. Hence, no new matter has been added.

10 Applicant respectfully asserts that Humpleman neither teaches nor suggests any data which is adapted to be accessed when its parent is accessed, as Applicant has specifically claimed in Claim 26. As such, Claim 26 as amended distinguishes over the art of record, and is presently in condition for allowance.

Moreover, since Claims 27, 29 and 30 each depend directly or indirectly on Claim 26,
15 they are therefore also in condition for allowance.

Claim 31 - The Examiner has also rejected Claim 31 under 35 U.S.C. §102(e) as being anticipated by Humpleman. More specifically, the Examiner has asserted that Humpleman's creating a set of buttons from retrieved GIF files may constitute Applicant's compiling a
20 plurality of containers from audio visual control descriptor data.

By this paper, Applicant has amended Claim 31 to include limitations relating to compiling a plurality of containers from a contiguous audio visual control descriptor data stream.

Support for this amendment is replete throughout Applicant's specification, and may be
25 found specifically, for example, at Fig. 2 (the contiguous nature of the data stream is depicted in the address fields at reference numeral 14). Hence, no new matter has been added.

Applicant respectfully asserts that Humpleman neither teaches nor suggests compiling a plurality of containers from a contiguous audio visual control descriptor data stream as Applicant has specifically claimed in Claim 31. Humpleman's GIF files are retrieved per each individual
30 device located on the home network, and since these devices are individually addressable, Humpleman cannot be fairly said to compile a plurality of containers from a contiguous audio

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visual control descriptor data stream, as Applicant has specifically claimed. For these reasons, Applicant submits that amended Claim 31 is presently in condition for allowance.

Moreover, Claims 32-36 depend directly or indirectly on Claim 31, and are therefore also in condition for allowance.

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Claim 37 – The Examiner has also rejected Claim 37 under 35 U.S.C. §102(e) as being anticipated by Humpleman. More specifically, the Examiner has asserted that Humpleman's creating a set of hyperlinks from information comprised within various property files associated with individual devices may constitute Applicant's compiling a plurality of containers containing said media control descriptor data.

By this paper, Applicant has amended Claim 37 to include limitations relating to: (i) reading a contiguous media control descriptor data stream comprising a first format; (ii) compiling a plurality of containers containing data from the stream, the plurality of containers comprising a second format; and (iii) presenting the hierarchy to a device requesting data from the stream.

Support for this amendment is replete throughout Applicant's specification, and may be found specifically, for example, at Fig. 2 (the contiguous nature of the data stream is depicted in the address fields at reference numeral 14). Hence, no new matter has been added.

Applicant respectfully asserts that Humpleman neither teaches nor suggests compiling a plurality of containers containing data from a contiguous audio visual control descriptor data stream as Applicant has specifically claimed in Claim 37. This is because Humpleman appears to create only one hyperlink for each property file accessed (corresponding to one button). As such, Humpleman cannot be fairly said to compile a plurality of containers containing data from a single contiguous stream. For these reasons, amended Claim 37 is presently in condition for allowance.

Moreover, since Claim 40 depends on Claim 37, it is therefore also in condition for allowance.

Claim 41 – The Examiner has also rejected Claim 41 under 35 U.S.C. §102(e) as being anticipated by Humpleman. More specifically, the Examiner has asserted that creating a set of hyperlinks from information comprised within various property files associated with individual

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devices may constitute Applicant's compiling a plurality of containers containing a media control descriptor data.

By this paper, Applicant has amended Claim 41 to include limitations relating to compiling a plurality of containers each adapted to contain at least a portion of a media control
5 descriptor data stream, wherein at least one of the portions is accessible through the data stream
via multiple memory addresses. Support for this amendment is replete throughout Applicant's specification, and may be found specifically, for example, at page 9, par. [0028]. Hence, no new matter has been added.

Applicant respectfully asserts that Humpleman neither teaches nor suggests any portion
10 of a data stream that is accessible via multiple memory addresses, as Applicant has specifically claimed. As such, Claim 41 as amended is presently in condition for allowance.

Moreover, since Claims 42-44 each depend directly or indirectly on allowable Claim 41, they are therefore also respectfully in condition for allowance.

15 *New Claims*

Claim 45 – By this paper, Applicant has added new Claim 45. Support for this claim is replete throughout Applicant's specification, and hence, no new matter has been added. New Claim 45 is respectfully allowable over Humpleman because, *inter alia*, Humpleman neither teaches nor suggests a segment of the data stream being adapted to be accessed if its parent is
20 accessed as recited in Claim 45. For this reason, Claim 45 is presently in condition for allowance.

Claims 46-51 - As noted above, Applicant has herein added new independent Claims 46, 48 and 50, each which correspond to the subject matter of objected-to Claim 39. New Claims
25 47, 49 and 51 depend from Claims 46, 48 and 50, respectively, and correspond generally to the subject matter of existing Claim 40. Applicant respectfully submits that these new claims are also in condition for allowance for reasons generally relating to those cited by the Examiner for Claim 39.

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Other Amendments

Claim 38 – Claim 38 has been amended herein to more closely track the language of the current amendment of Claim 37. Support for this amendment is replete throughout Applicant's specification, and hence, no new matter has been added.

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Other Remarks

Applicant hereby specifically reserves all rights of appeal (including those under the Pre-Appeal Brief Pilot Program), as well as the right to prosecute claims of different scope in another continuation or divisional application.

10 Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by
15 the Examiner, based on such cancellations or additions.

Furthermore, any remarks made with respect to a given claim or claims are limited solely to such claim or claims.

If the Examiner has any questions or comments which may be resolved over the telephone, he is requested to call the undersigned at (858) 675-1670.

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Respectfully submitted,

GAZDZINSKI & ASSOCIATES

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Dated: February 14, 2008

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